

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16475 of 403 C Street, N.E. LLC, pursuant to 11 DCMR 3107.2 (**new 3103.2**) for a variance from the maximum allowable floor area ratio and from the parking requirements under Subsections 771.2, 1203.3, 2101.1 for the construction of an office building in a CAPI/C-2-A District at premises at 403 C Street N.E. (Square 814, Lot 825).

HEARING DATE: **July 21, 1999**
DECISION DATE: **September 8, 1999**

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6A and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 6A. ANC 6A, which is automatically a party to this application, submitted a written statement in support of the application.

As directed by 11 DCMR 3324.2 (**new 3119.2**) the board required the applicant to satisfy the burden of proving the elements, which are necessary to establish the case for variances from the strict application of the requirements of 11 DCMR Subsections 771.2, 1203.3, 2101.1. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107.2 (**new 3103.2**) that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED**.

Pursuant to 11 DCMR 3301.1, (**new 3101.6**) the Board has determined to waive the requirement of 11 DCMR 3331.3 (**new 3125.3**) that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0-2 (Betty King, Anthony Hood, and Sheila Cross Reid to grant; Jerry H. Gilreath and Robert N. Sockwell not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


JERRILY R. KRESS, FAIA
DIRECTOR

FINAL DATE OF ORDER: OCT 21 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.",

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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BZA APPLICATION NO. 16475

As Director of the Office of Zoning, I hereby certify and attest that on **OCT 21 1999** a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

J. Andrew Scallan
3018 44th Place, N.W.
Washington, D.C. 2016

Daniel M. Pernell, 111, Chairperson
Advisory Neighborhood Commission (ANC) 6A
St. James Parish
1132 4th Street, N.E.
Washington, D.C. 20002

ATTESTED BY:


JERRILY R. KRESS, FAIA
DIRECTOR

Attest/JKN